

Notice of Non-Responsive Amendment

The reply filed on June 2, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In the restriction/election requirement mailed on May 1, 2008, applicant was required, in reply to this action, to elect a single species for a compound of formula I (see claim 1). Applicant elected the species wherein R1 is methoxy, R2 is ethoxy, R3 is Hydrogen, R31 is Hydrogen, R4 is –OH, R5 is Hydrogen, HAR is Pyridinyl, optionally substituted by R6 and/or R7 and/or R8, R6 is methoxy and R7 is methoxy. However, applicant did not specify the following: 1- which position of the pyridinyl group is attached to the molecule, 2- the word optionally indicates a choice that examiner is not supposed to make, applicant should provide with the exact substituents in the exact positions so there is no ambiguity to which structure applicant is referring to. 3- there is no R8 elected. In summary, applicant should provide one specific structure with no ambiguity regarding substituents and/or positional isomers.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS SZNAIDMAN whose telephone number is (571)270-3498. The examiner can normally be reached on Monday through Thursday 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila G. Landau can be reached on 571 272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARCOS SZNAIDMAN/
Examiner, Art Unit 1611
September 8, 2008

/MP WOODWARD/
Supervisory Patent Examiner, Art Unit 1615